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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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BRIAN C. FRANKENFIELD,

Plaintiff,

*versus*

WARDEN SMITH, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:24-CV-52

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Brian C. Frankenfield, a prisoner confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On May 1, 2024, the magistrate judge recommended dismissing the action without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#7) is

**ADOPTED.** A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**Signed this date**

**Jun 7, 2024**

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE